

# **DELEGATED DECISION REPORT**

## **APPLICATION NUMBER**

### **213242**

**Berrington Hall, Berrington, Leominster, HR6 0DW**

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**CASE OFFICER: Mr Adam Lewis**  
**DATE OF SITE VISIT: 18<sup>th</sup> September 2021**

**Relevant Development  
Plan Policies:**

**Herefordshire Local Plan – Core Strategy**

SS1 Presumption in favour of sustainable development  
SS6 Environmental quality and local distinctiveness  
SS7 Addressing climate change  
RA6 Rural economy  
MT1 Traffic management, highway safety and active travel  
LD1 Landscape and townscape  
LD2 Biodiversity and geodiversity  
LD3 Green Infrastructure  
LD4 Historic environment and heritage assets  
SD1 Sustainable design and energy efficiency  
SD2 Renewable and low carbon energy  
SD3 Sustainable water management and water resources  
SD4 Waste water treatment and river water quality

**Luston Group Neighbourhood Plan**

LG1 – General Development Principles  
LG2 – Design of Development in Luston Group  
LG3 – Protecting and enhancing local landscape character views

**National Planning Policy Framework**

2. Achieving sustainable development  
4. Decision-making  
8. Promoting healthy and safe communities  
12. Achieving well-designed places  
14. Climate change, flooding and coastal change  
15. Conserving and enhancing the natural environment  
16. Conserving and enhancing the historic environment

**Relevant Site History:**

**201896/F** - Proposed construction of a building to house a new biomass boiler and store, waste bin store, secure storage for machinery and new heat main pipe and services plus demolition of bin store wall – Withdrawn

## CONSULTATIONS

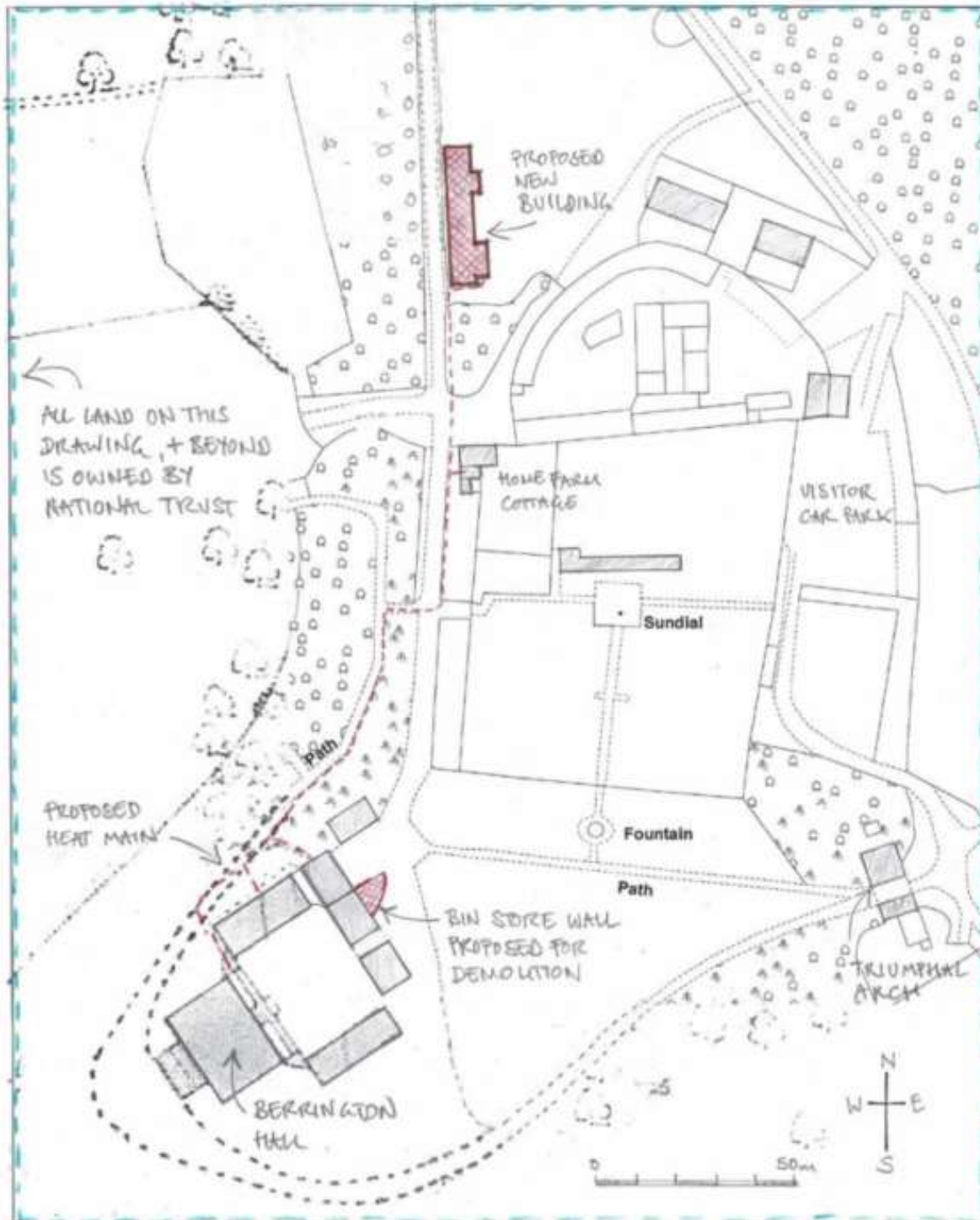
	Consulted	No Response	No objection	Qualified Comment	Object
Parish Council	X		Support		
Transportation	X		X		
Historic Buildings Officer	X		X	X	
Ecologist	X		X	X	
Landscape	X			X	
Tree Officer	X		X	X	
Land Drainage	X			X	
Environmental Health (noise/smell)	X		X		
Environmental Health (Air Quality)	X		X		
PROW	X		X		
Natural England	X		X	X	
Historic England	X		X	X	
Archaeology	X		X	X	
Welsh Water	X		X		
Press/ Site Notice	X	X			
Local Member	X		X		

## PLANNING OFFICER'S APPRAISAL:

### Site description and proposal:

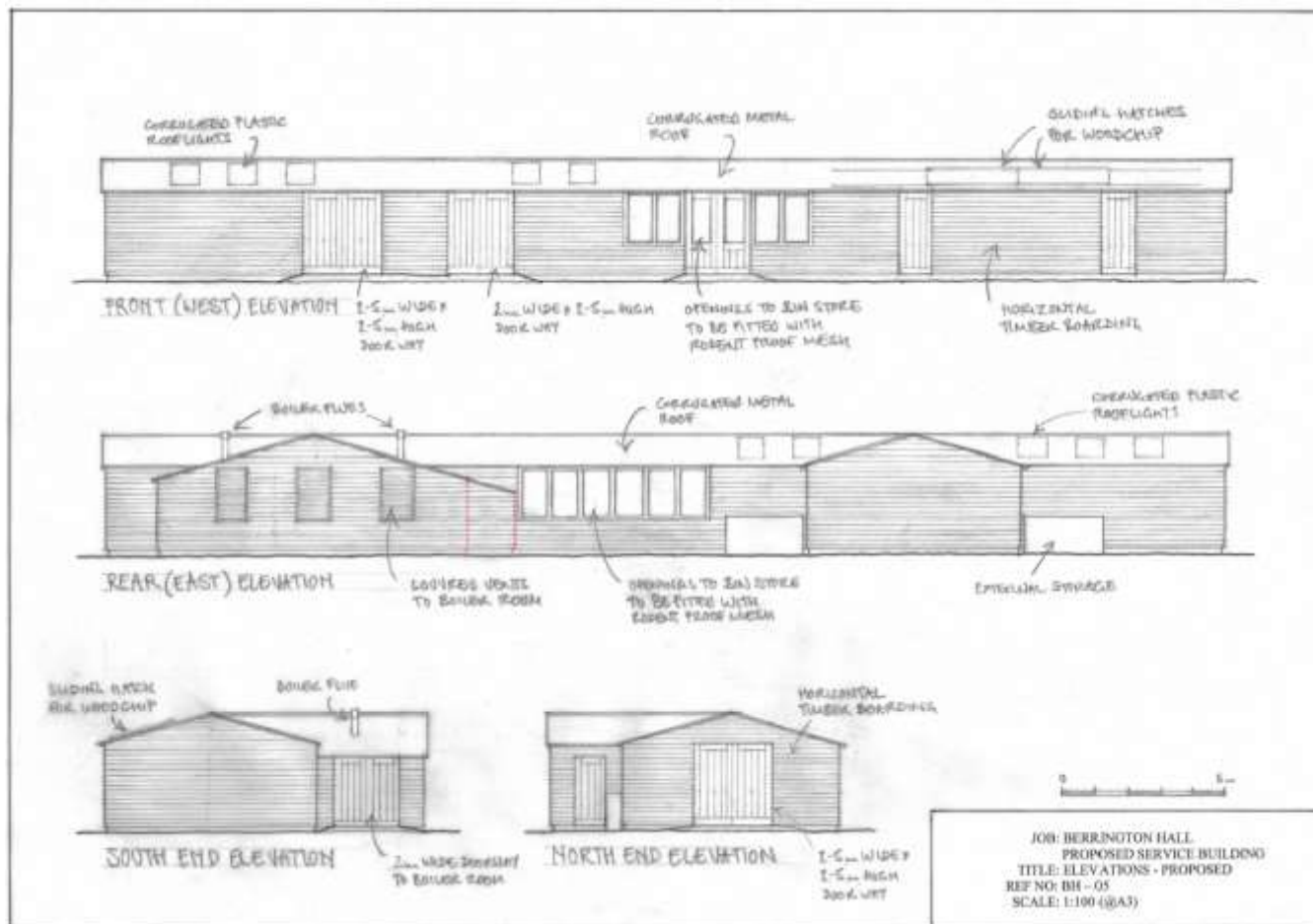
The application relates to a site within the grounds of Berrington Hall approximately 3 miles to the north of Leominster and just off the A49. The hall is a Grade I listed neo-classical country house built in the late 17<sup>th</sup> century. It was designed by Henry Holland with the surrounding parkland set out by Capability Brown. It is a nationally important heritage asset. Within the grounds, to the north east of the main house, there is large walled garden.

The application relates to a location to the north west of the walled garden area. The land in question has previously hosted a stables building which was demolished in the early 20<sup>th</sup> century and is a strip of land bound by a service road to the west and the raised embankment forming part of the walled garden to the east. It is proposed to erect a new building in this location which would have a footprint of approximately 35m x 6m. It would be of steel frame construction, clad externally in timber weatherboard under a corrugated metal roof with a maximum ridge height of 3.6m. The new structure is essentially a 'services' building to fulfil various roles such as tool and machinery storage, but it would also host two biomass boilers with a combined capacity of 200kw. The new boilers would provide renewably generated heat to the main house and its subsidiary buildings using woodchip sourced from the surrounding estate. The plans for the building are shown below;



**TIM RATCLIFFE ASSOCIATES**  
CAMBRIAN HOUSE  
NANTMAWR  
OSWESTRY  
SY10 9HL

JOB: BERRINGTON HALL  
PROPOSED SERVICE BUILDING  
TITLE: LOCATION PLAN  
REF NO: BH - 01  
SCALE: 1:1250 (@A4)



A separate listed building consent application has been submitted for the installation of new services routing into the main house and other outbuildings under P213242/F.

### Representations:

**Local Member** – Updated via email dated 13<sup>th</sup> December 2021. Confirmed by response that redirection was not sought.

**Parish Council** – Support the application

**Transportation Manager** – No Objection

*The additional information addresses the outstanding highways comments and I can confirm no objection from the local highway authority to the application, recognising that the A49 is under the management of National Highways and an adjacent route.*

**Planning Ecologist** – No Objections

*The additional information supplied 25/11/2021 is noted.*

*The following comments are made in respect of the triggered HRA process:*

- *The proposed development will support the installation and running of a wood fuelled Biomass boiler/heating system for the property at Berrington Hall.*
- *The property and development is located within the River Lugg SAC catchment currently failing its conservation status due to excess Phosphate.*
- *The created residue wood ash is an identified source of phosphates (nutrient/fertiliser).*
- *The supplied 'Biomass Ash Management Plan' dated 25/11/2021 is noted and refers.*
- *The plan advises that all ash created will be managed as part of other compostable material from the estate. The final compost being used as a natural fertiliser and mulch on the formal landscaped planting beds and heritage fruit tree collection that are part of the immediate curtilage of Berrington Hall.*
- *The 'compost' will replace other sources of nutrients (eg artificial fertilisers) that are required to maintain growing conditions.*
- *The agreed Biomass Ash Management Plan (phosphate pathway mitigation) can be secured by condition on any planning permission granted to secure required Nutrient Neutrality.*
- *There are no other likely significant effects identified for the proposed development on the River Lugg (Wye) SAC.*

*The HRA Appropriate Assessment completed by this LPA should be subject to a 'no objection' response from Natural England prior to any planning permission being granted.*

**Other ecology comments:**

*The supplied Ecological Statement (2021) by Christopher Jenkins received 25/11/2021 and Bat Method Statement by Star Ecology dated 2 September 2021 are noted and refer.*

*The ecological statement includes appropriate consideration and working method statement in respect of potential presence of Great Crested Newts and other 'general' wildlife that could be affected by the proposed development and any ongoing operations (eg through additional external lighting). The ecological working methods, lighting scheme and proposed Biodiversity Net Gain enhancements proposed should be secured by condition on any planning permission granted.*

*The Bat Method Statement (BMS) advises that the pipe installation process and works in the building basement could impact local bat populations, including potential low level use for hibernation. Once installed the pipework is sufficiently insulated that at no time should the use of the biomass boiler and movement of hot water through approved pipes make any change to the local temperatures or humidity of the areas they pass through – and so no operational effects on local bat populations. All works shall take place when no bats are present – if any works will disturb bats relevant advice and any appropriate protected species licences will be obtained from Natural England to ensure all regulations and legislation are fully complied with.*

*The BMS should be secured for implementation in full through a planning condition on any permission finally granted.*

**Historic Buildings Officer – No objection**

*Summary: This application is a resubmission of a previously withdrawn scheme (refs: 201896/7) and seeks to address comments made previously requesting further information. This information has now been provided and confirms the proposed new service routes will have minimal impact on the historic fabric of Berrington Hall. As such it is felt the application accords with all relevant local and national policy and no objection is raised from a heritage perspective. A condition requiring later approval of samples of all proposed external materials is recommended.*

*Proposed service building - There is no objection to the proposal for a new services building. The proposed location, scale and materials are all deemed to be appropriate. The proposed location of the site of the former stables block, now demolished represents historic precedence for a building in this location. Its proposed use as storage/ancillary services can be seen as a modern continuation of this area as one of support/service to the running and maintenance of the Hall. Its position and proposed foundations have been carefully considered to avoid disturbing any potential underground remains which may survive. The proposed scale and dimensions ensure the new building, although visible in the landscape, will have a relatively low impact. The choice of materials is considered appropriate for a service building, although samples and information on colour and finish should be provided at a later date to be agreed in writing.*

*New service routes – Thank you for the updated information on the new service route and access points, and the impact they will have on historic and potentially sensitive fabric. The removal of the external boiler from Home Farm Cottage will be an improvement to its immediate setting and the use of existing access points will ensure there is no further impact to the building. While there will be some disturbance to surface material/paving to lay the proposed heat mains, harm can be minimised by recording surfaces prior to work, carefully lifting and re-laying them as existing. The mains enter the Hall at three points - in the east and north courtyard blocks, and service tunnel. Existing access points in these areas are not specified so presumably there will be minor impact to fabric resulting in some loss. However it is felt this material does not make a strong contribution to the significance of the Hall and minor loss can be sustained in this area without harm.*

*Demolition of existing bin store wall – The existing bin store wall is modern and holds no historic or architectural value. Its removal would help return this part of the building to its previous appearance and improve views of the symmetrical façade. As such it is felt this would enhance the significance of the listed building.*

**Landscape Officer – No objection**

*The level of information provided, showing before and after imagery is extremely helpful and provides a clear understanding of how the proposed building is located within its setting, and*

*how the building offers benefits in other areas (i.e. removal of bin store at the gateway into Berrington Hall).*

*The building does have some impact on the visual amenity and setting of the landscape (within a highly valued historic park and garden), and therefore requires landscape consideration. The main impact is the visibility from the arrival drive to Berrington Hall. Admittedly, I was actively looking at the site, and day to day visitors may not look in that direction, however, it is something to be considered.*

*With some landscape input the mass of the building could be reduced, and integrated into the landscape. I provide a suggestion (refer to the below sketch overlay), that with grassed earth mounding, and tree planting the view can be enhanced. This type of landscape treatment would have to be confirmed with suitable experts to determine if this form mounding would impact the existing trees, or other landscape features of the site.*

**Tree Officer – No objection**

*It's appreciated that my concerns raised in the now withdrawn 201896 application have been acknowledged and the route of the pipes have been amended so the impact on established trees is reduced. In light of this I have no objections.*

**Archaeological Consultant – No objection**

*I note the submission here of an archaeological evaluation report, and a heritage impact assessment. I am in broad agreement with the conclusions of these reports, and am of the view that together they satisfy the requirements of NPPF Para 189. No further information is needed to move forward to determination.*

*I am satisfied that subject to suitable mitigation the proposal is acceptable as it stands, and that it accords with The Core Strategy. If permission is granted, archaeological recording and publication of the works under NPPF Para 199 (in essence a watching brief with contingencies) will be needed.*

**Land Drainage – Further Information Required**

*We recommend that the following information is provided prior to the Council granting planning permission: Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice.*

**Environmental Health (Noise and Nuisance) – No Objections**

**Environmental Health (Air Quality) – No adverse comments**

**PROW Officer – No Objections**

## **Natural England – No Objections**

*Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.*

*The application site is within the catchment of the River Lugg which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended), the 'Habitats Regulations'. The SAC is notified at a national level as the River Lugg Site of Scientific Interest (SSSI) Please see the subsequent sections of this letter for our advice relating to SSSI features.*

*In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.*

### *European site - River Wye SAC - No objection*

*Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.*

*Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.*

### *River Lugg SSSI – No objection*

*Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.*

### *Berrington Pool SSSI- No objection*

*Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.*



## **Historic England – No Objection**

*The perfect harmony between house and landscape at Berrington achieved by the partnership of Capability Brown and his son-in-law Henry Holland has produced a place of particular beauty and outstanding heritage value. This is reflected in the designation of the house as a Grade I listed building and the park and garden as Grade II\*.*

*The proposed new building to house a biomass boiler, gardener's store and farm store would occupy a site close to that of the mid-C19 stables in the lea of a bank created by the spoil removed on their demolition in the early 1900s. This is close to Brown's elliptical wall in the walled garden complex. It would therefore change the appearance of the registered landscape and the setting of important structures within it. However, it would also offer heritage benefits in terms of distancing intrusive garden machinery storage from the house and removing the unsightly bin-store on its north elevation.*

*Historic England is persuaded by the case made in the submitted heritage statement that the visual impact of the new building would be minimised by its location and design and that any harm caused is offset by the heritage benefits offered. We are also persuaded that the new building would not negatively impact on long-term proposals for the enhancement of the park and garden at Berrington set out in the National Trust's management plan.*

*We therefore have no objections to the proposal but suggest that samples of walling and roofing materials are agreed by condition to further minimise the visual impact of the building*

*Recommendation: Historic England has no objection to the applications on heritage grounds. We consider that the applications meet the requirements of the NPPF, in particular paragraph numbers 194, 200, 202.*

## **Welsh Water – Qualified Comments**

*It appears the applicant does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.*

*The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB), in relation to their proposals for SuDS features.*

*Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. Should it be determined that SAB consent is not required, we request that if you are minded to grant Planning Consent for the above development that the following Advisory Notes listed below*

*are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets*

Pre-application discussion:

Discussions with Case Officer following withdrawal of 201896/F.

Constraints:

Listed Building – Grade I – Berrington Hall (part of outbuildings and curtilage listing)  
Registered Park and Garden  
Protected Species records – nearby  
Ancient Woodland – Nearby  
HRA Screening – River Lugg / River Wye SAC

Appraisal:

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

In this instance the adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS) and the Luston Group Neighbourhood Development Plan. The National Planning Policy Framework (NPPF) is also a significant material consideration.

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to relate to renewable energy, protecting heritage assets and features of environmental value – have been reviewed and are considered to be consistent with the principles established by the NPPF. As such, it is considered that they can still be attributed significant weight.

A range of CS policies are relevant to development of this nature. Strategic policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption that lies at the heart of the NPPF. Policy SS1 confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development

Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

The scheme here is for a new services building to support the National Trust operation of Berrington Hall and the surrounding estate. The building however also supports the installation of two new biomass boilers to provide heat to the main house and surrounding outbuildings.

Chapter 14 of the NPPF outlines the need to for the planning system to meet the challenge of climate change. Paragraph 152 of the NPPF states that "the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'

Paragraph 157 of the NPPF states that 'in determining planning applications, local planning authorities should expect development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption

Paragraph 158 of the NPPF states that "when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas."

The preamble to Policy SS7 of the Core Strategy acknowledges that tackling climate change in Herefordshire will be a difficult challenge given the rural nature of the county. In identifying the challenges, the policy acknowledges the necessity to facilitate the increased use of renewable and low carbon energy sources. Policy SD2 of the CS deals specifically with renewable and low carbon energy generation. The policy recognises that the overarching principle of the planning system is to support the transition to a low carbon future and a significant means of achieving this goal is through the use of renewable energy sources development proposals which seek to deliver renewable and low carbon energy will be supported where they do not adversely impact upon international and national designated natural and heritage assets; they

do not adversely affect residential amenity; they do not result in any significant detrimental impact upon the character of the landscape and historic environment.

The proposal here seeks to provide a new source of heating to Berrington Hall and its surrounding ancillary structures, as well as dwellings within the grounds. It would replace an existing fossil fuel based system and would be powered by wood that is sourced from the surrounding estate as part of ongoing land management practices and chipped on site. The scheme would hence support the transition of the estate to a renewable and locally derived energy, thus supporting the resilience of the estate and generally supporting the aims of local and national policy to aid the transition to a lower carbon economy. The renewable energy aspect of the development can hence be supported.

In order to be permitted however, the full details of the scheme must be assessed to establish whether the scheme as a whole is representative of sustainable development. There are a number of sensitivities in this regard, which include matters relating to heritage and environmental quality. The main issues in this regard are set out below.

In respect of the effect of the development upon the listed building, Section 66 applies and this places a duty upon the LPA to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In exercising its heritage duties, the advice set out at Chapter 16 of the NPPF is also relevant. Paragraph 199 requires that great weight be given to the conservation of a designated heritage asset. The more important the asset, the greater the weight should be. Paragraph 200 goes on to advise that any harm to, or loss of, the significance of designated heritage assets should require clear and convincing justification. At paragraph 201, it states that where substantial harm is identified local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 202 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.

Policy SS6 of the Core Strategy states that development proposals should be shaped through an integrated approach to planning a range of environmental components from the outset, including the historic environment and heritage assets. In this regards policy LD4 of the Core Strategy is also of relevance, which requires amongst other things to ensure that new developments 'protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible'. LD1 is also applicable in so far as it requires that schemes should conserve and enhance the natural, historic and scenic beauty of important landscapes such as nationally designated parks and gardens. Policy SD1 also requires that development proposals take into account the local context and site characteristics. LG1 and LG2 of the NDP are relevant in so far as they set out a number of general development principles.

Specialist advice has been sought from the Council's Conservation Officer for Historic Buildings and Historic England as the relevant statutory body. The new building would be located a reasonable distance from the main house and it would be sited in the position of a former stable building demolished in the early 1900's. The chosen location is such that the building would be read in the context of existing development that is ancillary to the functioning of the main house and estate, being just beyond the walled garden and near to other service buildings. The design of the building is functional, but in keeping with the simple rural vernacular. Considering the impact of the development cumulatively, neither consultee considers the proposal would impact upon the setting of the nearby listed buildings in a manner that would be detrimental to their significance. I would agree with these conclusions and thus do not identify any conflict with LD4 in these terms. The duties upon the LPA under S66 of the Act are fulfilled.

The site is also within a registered park and garden. For similar reasons as those set out above, the specialist advice of the Council's Landscape Officer is that the scheme avoids any detriment to the integrity of the designated landscape. It is not considered that further mitigation beyond the carefully considered siting and design of the building is required to make the proposal acceptable in these terms. As such, there is no conflict with LD1, LD4 or LG3.

In respect of below ground impacts, the building is located on the footprint of earlier demolished structures and hence there is some potential for impact in this regard. The scheme is supported by an archaeological evaluation report that sets out a range of measures to mitigate for this, such as through construction techniques. The Council's Archaeological consultant has offered no objections to the scheme based on this assessment and recommended that the implementation of the scheme, as well as recording of any deposits, be secured by pre-commencement condition. The applicant have agreed for this to be imposed in accordance with the 2018 regulations.

In terms of the potential for impact upon amenity, the location is such that the building itself that there is no potential in this regard given the absence of nearby residential receptors. The provision of the boilers however is such that there is potential for impact through emissions and air quality. Whilst biomass is a renewable energy source, the burning of wood in heating appliances results in the release of pollution emissions that can have an impact on air quality in the surrounding area. The Council's Environmental Health Officer has reviewed the case here and has not raised any objections from an air quality perspective. The proposal is thus compliant with CS policies SD1 and SD2 in this regard to ensure that new development does not contribute to, or suffer from, adverse impacts arising from air contamination. Similarly, the relevant EHO officer has offered no objections to the scheme from a noise and nuisance perspective – again according with SD1, SD3 and RA6.

In terms of the highways impacts of the development, the main purpose of the building is to provide storage and workshop space to consolidate and replace existing space spread across other locations at Berrington. As such, this part of the development would not change the nature of the use or generate additional traffic that would have a significant impact on the vehicle movements. There will be some increase in traffic as a result of the boiler operations, such when chipping is undertaken using machinery brought onto site, however in the context of

the vehicle movements that already emanate from the hall as a large operational estate and major visitor attraction this increase would not be significant. The Transportation Manager has offered no objection in this regard.

Surface water from the new building would be managed through the use of soakaways, which is an appropriate SuDS solution in accord with policy SD3. It is noted that the Land Drainage team have requested details of infiltration tests to be submitted prior to determination, however Soilsclapes mapping suggests conditions in the area to be freely draining. Given the nature of what is proposed and the amount of land available on the estate to implement appropriate soakaways, I am satisfied that an appropriate arrangement can be delivered and do not consider it necessary for these details to be secured before permission is granted.

The site is in a location where consideration of the Conservation of Habitats and Species Regulations are required. The site in the River Lugg sub-catchment of the River Wye, which has international importance as a designated Special Area of Conservation (SAC) and the nature of the development proposed is such that there are potential pathways for likely significant effects upon the designated site. The Lugg is however currently failing its conservation status and recent case law is such that there is limited opportunity for the LPA to approve new development; unless it can be shown to have a nutrient effect on the designated site. The potential pathway in this case is through the burning of wood and subsequent generation of residual ash, which will contain phosphates. The scheme has put forward for a management plan involving composting of the small amounts of ash generated as part of the current land management plans. The specialist advice from the Council's Ecologist considers that this management plan poses sufficient mitigation to ensure there would no detriment to the site and an appropriate assessment has been undertaken to this effect, recommending the implementation of the plan be secured by condition. Natural England as the relevant statutory body have been consulted and offer no objections to the scheme. On this basis, the scheme is considered to accord with policy LD2 and the Conservation of Habitats and Species Regulations 2017 (as amended).

In light of the above, the proposal is therefore considered to constitute an acceptable form of sustainable development which would accord with the development plan. The application is accordingly recommended for approval, subject to the conditions as set out below.

The Local Member has been updated and supports the proposal. He is happy for the application to be determined under the delegated procedure

**RECOMMENDATION:**    **PERMIT** ☒    **REFUSE** ☐

**CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:**  
*(please note any variations to standard conditions)*

1. C01 – Time limits
2. C06 – Plans and particulars

- Design and Access Statement
- Heritage Impact Assessment
- BH01a, BH02a, BH03a, BH06a, BH07a and BH08a received 22nd August 2021
- BH9 to BH15 (inclusive) received 22nd August 2021
- BH04a and BH05a received 13<sup>th</sup> December 2021

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development which safeguards the setting of nearby heritage assets in accordance with policies SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, policies LG1, LG2 and LG3 of the Luston Group Neighbourhood Development Plan and the National Planning Policy Framework.

3. Prior to their installation on site, details and/or samples of materials to be used externally on walls and roofs of the new building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings in the interests of a satisfactory form of development which safeguards the setting of nearby heritage assets in accordance with policies SD1, LD1 and LD4 of the Herefordshire Local Plan – Core Strategy, policies LG1, LG2 and LG3 of the Luston Group Neighbourhood Development Plan and the National Planning Policy Framework.

4. No development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording [to include recording of the standing historic fabric and any below ground deposits affected by the works]. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority and shall be in accordance with a brief prepared by the County Archaeology Service.

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.

5. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the approved Arboricultural Method Statement ref: 2021/BRG/AMS/01 by David Gardener Arboriculture.

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as detailed in the Ecological Statement (2021) by Christopher Jenkins and the Bat Method Statement by Star Ecology dated 2<sup>nd</sup> September 2021, shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981,, National Planning Policy Framework (2021), NERC Act (2006), Environment Act 2021,, and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

7. All ash created by the Biomass Boiler approved under this permission shall be managed as detailed in the Biomass Ash Management Plan 2021 (as received by the LPA 25/11/2021) unless otherwise agreed in writing by the Planning Authority. The management plan shall remain in place for the operational lifespan of the Biomass Boilers.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6 and LD2.

## Informatives

1. IP2 – Approved with amendments

*A.M.L.*

Signed:

Dated: 16<sup>th</sup> December 2021

### TEAM LEADER'S COMMENTS:

**DECISION:**

**PERMIT**

☒

**REFUSE**

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Signed:

*AB.*

..... Dated: 16/12/21



Is any redaction required before publication?    Yes/No